

Remarks/Arguments:

Claims 1-14 and 16-27 are pending in the present application, as this amendment cancels claim 15. The Office Action dated February 22, 2006 rejects claims 1-15, 18 and 20-27 as anticipated by Waldman (US 2002/0198789), and objects to claims 16-17 and 19 as depending from a rejected base claim but otherwise allowable.

This paper amends claim 16 with the subject matter of claims 1 and 15 from which it previously depended to recite as an independent claim. Claims 17-18 depend from claim 16. Claim 19 is re-written as an independent claim, incorporating the subject matter of claims 1 and 18 from which it previously depended. By the ruling of allowable subject matter stated in the cited Office Action, claims 16-19 are now seen to be in condition for allowance.

Independent claims 1, 20, 23, and 26 each recite in slightly varying language a processor (actions executed by a processor in claim 26) to extract at least one (a plurality in claim 20) feature from a digital media sample, said feature(s) being descriptive of an identity of a content of said media sample. Waldham is not seen to disclose feature extraction from a media sample.

Waldman describes taking a *sampled portion* of a full audio work and transmitting it to an audio recognition service for identification of the audio work. See Walden, abstract, paras. [0008]-[0009], [0012]-[0015], [0018]-[0020], [0023]-[0025], [0040], [0045], [0048]-[0050], [0058], and every independent claim. As detailed at paras. [0048], the sampled portion may be a short clip of the audio work such as a thirty second sample or a lesser portion of that sample. A sampled portion of an audio work is not analogous to features extracted from an audio or other media work. The claims particularly recite that the features are *descriptive* of an *identity* of a content of the media sample. Walden's sampled portions *are* the content of the audio work.

The present application describes in detail what constitute features. See for example the distinction between a media sample and features extracted from a media sample at para. [00020], and detailed descriptions of exemplary features at paras. [00034]-[00050]. Exemplary features described in the written description include spectral flatness, spectral

centroid, rhythm and melody (para. [00034]; a model of signal amplitude, fundamental frequency, number of sources present and spectral tilt (para. [00036]); color histogram, RGB vector, grid layout, spatial image density distribution, object motion, harmonics ratios and melodic contour (para. [00037]); and further examples provided through para. [00050]. Walden describes only a sampled portion of an audio work, which is the content of the audio work itself. Walden does not disclose extracting features or any information that may be descriptive of an identity of the audio work's content.

Figure 3A of the present application illustrates clearly that feature extraction (boxes 308 and 310) is separate and distinct from receiving or storing (box 302) the media sample segment from which the features are extracted. In Walden's teachings, it is the sample from block 302 of Applicant's Figure 3A that is sent to the audio recognition service, whereas in Figure 3A features *extracted* from the sample segment are transmitted.

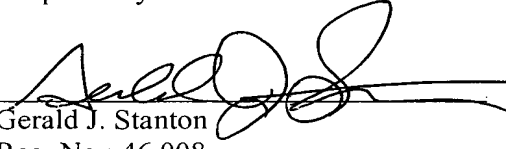
Walden operates on the principle that the portable communications device samples an audio work, and the separate audio recognition service performs acoustic pattern recognition to enable comparison of the sampled portion received from the portable device to a library of full audio works. See Walden at para. [0050]. The present claims recite that feature extraction (which may aid in comparing to a digital library or which may be used directly for comparison when the digital library itself includes feature sets) occurs in the mobile station itself. Even in Walden's audio recognition service there is no disclosure of feature extraction from the sampled portion received from the Walden portable device.

Dependent claim 5 clearly recites that a message comprising a plurality of extracted features carries *insufficient* information by which to reconstruct the digital media sample, and claim 22 recites somewhat similarly. If the term "extracted features" meant a sampled portion of a digital media sample, then in every instance a message carrying Walden's sampled portion would not only be sufficient to reconstruct the sampled portion of the audio file, the message would contain that sampled portion outright. Apart from proving allowability of claims 5 and 22 over Walden then, the above condition necessitates that the term "extracted feature" is not analogous to Walden's "sampled portion", because to do so would appear to render claims 5 and 22 nonsensical.

In light of the above clear distinctions of the independent claims over the cited art, the Applicants demur in characterizing distinctions between Walden and further dependent claims, without prejudice or disclaimer.

The Applicants respectfully request that the Examiner review the cited art in view of the above remarks, withdraw the remaining rejections, and pass each of claims 1-14 and 16-27 to issue. The undersigned representative welcomes the opportunity to discuss any matters, formal or otherwise, with the Examiner via teleconference at the Examiner's discretion.

Respectfully submitted:


Gerald J. Stanton
Reg. No.: 46,008

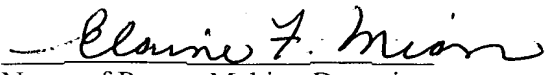
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Date

Customer No.: 29683
HARRINGTON & SMITH, LLP
4 Research Drive
Shelton, CT 06484-6212
Phone: (203) 925-9400
Facsimile: (203) 944-0245
Email: gstanton@hspatent.com

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